



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 17 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6124 7908

Mr. Mike Grim
Manufacturing Engineer
Highway Equipment Company
1330 76th Avenue SW
Cedar Rapids, Iowa 52404

RE: Highway Equipment Company
Cedar Rapids, Iowa
RCRA ID No.: IAR000501387

Dear Mr. Grim:

Letter of Warning/Request for Information

On September 15, 2015, a representative of the U. S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

My staff has reviewed the inspection report, and your September 29, 2015, response to the Notice of Preliminary Findings and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



Printed on Recycled Paper

Within (30) calendar days of receiving this letter, please mail your response to: Ms. Deborah Bredehoft, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Deborah Bredehoft, of my staff, at (913) 551-7164.

Sincerely,

A handwritten signature in dark ink, appearing to read "Becky Weber". The signature is fluid and cursive, with the first name "Becky" written in a larger, more prominent script than the last name "Weber".

Becky Weber
Director
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Highway Equipment Company
Cedar Rapids, Iowa
RCRA ID No.: IAR000501387

1. * Title 40 Code of Federal Regulations (40 CFR) 262.34(d)(4) referencing 40 CFR 262.34(a)(2) – Failure to date a hazardous waste accumulation container.
2. 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a) – Failure to keep eight satellite accumulation containers closed except with adding or removing hazardous waste.
3. * 40 CFR 273.14(e) – Failure to label universal waste lamps with one of the following: “Universal Waste – Lamps”, “Waste Lamps”, or “Used Lamps.”
4. * 40 CFR 273.13(d)(1) – Failure to maintain universal waste lamps in a closed container.
5. * 40 CFR 273.15(c) – Failure to demonstrate the length of storage time of universal waste lamps.
6. * 40 CFR 262.34(d)(5)(ii)(B) – Failure to post the location of spill control equipment near the phone closest to the hazardous waste container accumulation area.
7. 40 CFR 262.11 – Failure to conduct a hazardous waste determination on paper disposable wipes, used to clean the operator’s hands and painting equipment in the painting booth area, prior to disposing of the wipes into the general trash.
8. 40 CFR 262.11 – Failure to conduct a hazardous waste determination on the paint booth filters disposed in the general trash.

*The above-listed violations were adequately addressed through previous correspondence.

Requested Information
Highway Equipment Company
Cedar Rapids, Iowa
RCRA ID No.: IAR000501387

1. With regard to Violation Number 2, Highway Equipment Company's September 29, 2015, response proposed two options to address the open containers:
 - Leaving an opening in the bucket lid to accommodate the grounding clamp; or
 - Drilling a hole in the side of the bucket, threading a bolt through the hole, and attaching the ground clamp to the bolt.

Within Highway Equipment Company's response, it was indicated that the preference was to leave an opening in the lid to accommodate the grounding clamp. However, the first option does not meet the EPA's definition of a closed container (required by 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a) and further explained in:

[http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/DC2AFFCA7960F08A8525795F00610EE7/\\$file/14826.pdf](http://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/DC2AFFCA7960F08A8525795F00610EE7/$file/14826.pdf)). Therefore, please provide photographic documentation that the spent solvent and paint wastes are maintained in closed containers.

2. With regard to Violation Number 7, Highway Equipment Company's September 29, 2015, response stated that the paint-contaminated disposable wipes are non-hazardous waste based on the following statements:
 - The only hazardous waste chemicals used with the wipes are solvents.
 - A statement that a physical test was completed on a ¼ folded disposable wipe used to wipe a paint mask. The wipe was determined to be non-hazardous waste after 20 minutes.
 - The rags are used multiple times and are disposed after the solvents have evaporated.

The spent solvents generated by your facility are managed as D001, F003, and F005 hazardous wastes. By the EPA's mixture rule (40 CFR 261.3(b)), the combination of disposable wipes and spent solvents generates a listed and potentially characteristic hazardous waste. Based on the provided statements, the disposable wipes need to be evaporated in order to be considered non-hazardous waste. The EPA considers evaporation to be a form of treatment. In 40 CFR 260.10, treatment is defined as "any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume." Because the spent solvents are both ignitable and toxic, the evaporation attempts to remove the ignitable characteristic by physical change to allow the disposal of the wipes into the general trash. Because the wipes are hazardous waste and the evaporation is considered to be treatment, this management method is not allowed.

Although the disposable wipes are hazardous waste, in 2013, the EPA issued a final rule that provides a conditional-exclusion for solvent-contaminated wipes that are disposed in a landfill. A summary chart of the final rule can be found at:

http://www3.epa.gov/epawaste/hazard/wastetypes/wasteid/solvents/sumry_chrt_wipes_fnl_rul_070913.pdf.

Please provide the following:

- a. a revised hazardous waste determination on the solvent-contaminated wipes;
 - b. state the number of solvent-contaminated wipes generated on a monthly basis prior to the EPA's September 15, 2015, inspection;
 - c. state when Highway Equipment Company began generating solvent-contaminated wipes at its facility;
 - d. state how Highway Equipment Company is currently managing its solvent-contaminated wipes; and
 - e. provide photographic documentation of how Highway Equipment Company is currently managing its solvent-contaminated wipes.
3. With regard to Violation Number 8, within Highway Equipment Company's September 29, 2015, response, statements were provided outlining the length of time needed for methyl ethyl ketone (MEK) and butyl alcohol to evaporate from paint booth filters. However, Highway Equipment Company needs to complete a hazardous waste determination (as outlined in 40 CFR 262.11) on the paint booth filters. Please provide the following:
 - a. the outcomes of the hazardous waste determination (including applicable waste codes) on the paint booth filters;
 - b. any historical analytical test results related to hazardous waste determinations on paint booth filters (e.g., analytical testing to demonstrate the complete evaporation of MEK and butyl alcohol from the filters, etc.);
 - c. state how the butyl alcohol and MEK end up in the filters (e.g., spent solvent, sprayed from paint guns, used as a paint thinner, etc.); and
 - d. if the paint booth filters are determined to be hazardous waste, please provide photographic documentation of how they are currently managed.
4. Page 5 of the EPA's September 15, 2015, inspection report discusses the combined waste stream of paint waste, spent solvents, and still bottoms. The combined waste stream was characterized as D001, F003, and F005 hazardous wastes. The EPA's September 15, 2015, inspection report states that methyl ethyl ketone (MEK) is used as a solvent to clean the paint lines. However, the characteristic hazardous waste code for MEK (D035) is not included as an applicable waste code on the combined waste stream of paint waste, spent solvent, and still bottoms. Please state:
 - a. if your facility has completed individual waste determinations on the paint waste, spent solvent, and still bottom waste streams;
 - b. the applicable waste codes for each of the individual waste streams (i.e., paint wastes, spent solvents, still bottoms); and
 - c. if any of the individual paint wastes or solvent wastes used at your facility carry hazardous waste codes other than D001, F003, or F005.

5. On page 6 of the EPA's September 15, 2015, inspection report, the inspector discusses that the thicker paint and the solvent wastes are each placed into 5-gallon containers that are managed as satellite accumulation containers. The report goes on to state that the 5-gallon container of thicker paint is placed into 55-gallon drum of paint waste that is also managed as a satellite accumulation container. The report states that once full, the 55-gallon drum is moved to the central accumulation area. Based on this information, the waste is placed into a 5-gallon satellite accumulation container, added to a large 55-gallon satellite accumulation container, and then moved to an accumulation area when full. However, hazardous waste is not allowed to be transitioned from satellite accumulation container to satellite accumulation container. Waste is only allowed be moved from satellite accumulation containers to 90-day or 180-day accumulation containers (based on the facility's current generator status) as spelled out in question 11 of the EPA's Memorandum "Frequently Asked Questions about Satellite Accumulation Areas." (RO 14703) Please provide the following:
 - a. a narrative outlining the length of time (at the time of the EPA's September 15, 2015, inspection) that hazardous waste remained in each of the containers prior to the waste being transferred to the next container area; and
 - b. a narrative outlining how these containers of waste will be managed in the future.
6. With regard to the spent solvent, discussed on page 7 of the EPA's September 15, 2015, inspection report, it states that the spent solvent is initially placed into 5-gallon hazardous waste containers and then placed into 55-gallon drums containing spent solvent to be processed in the solvent reclamation unit. Please provide the following details about Highway Equipment Company's management of this waste:
 - a. state the number of drums (that held spent solvent waiting to be reclaimed) and the approximate amount held in each drum in the Mixing Room at the time of the EPA's inspection;
 - b. if there is only one drum at the time of the EPA's inspection in the Mixing Room for spent solvent waiting to be reclaimed, please state if the drum is attached to the reclamation unit; and
 - c. state and provide photographic documentation showing how spent solvent drums waiting to be reclaimed are currently managed (e.g., the drums are labeled, dated, and/or closed, the drums connected to the reclamation unit).
7. With regard to the management of the spent lamps, please provide copies of all shipping papers related to the removal of spent lamps for the three years prior to receipt of this letter.

8. Within the EPA's September 15, 2015, inspection report, and in Highway Equipment Company's September 29, 2015, Notice of Preliminary Findings response, the EPA and Highway Equipment Company each determined that Highway Equipment Company operated as a large quantity generator for portions of 2015. The EPA's inspector collected four manifests from Highway Equipment Company for the summer time period of 2015. Please provide the following:
- a. copies of all of the hazardous waste shipping manifests from 2013-2015;
 - b. the monthly hazardous waste generation rate of Highway Equipment Company for 2013-2015;
 - c. copies of documentation demonstrating compliance with the large quantity generator requirements (e.g., weekly inspections, contingency plan, training documentation, etc.) that were in place at the time that your facility was a large quantity generator prior to the EPA's inspection; and
 - d. a narrative outlining how Highway Equipment Company will avoid similar potential large quantity generator violations in the future.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- !* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.